

EXHIBIT 9

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

Case No.

ARISTA NETWORKS, INC.,

5:14-cv-5344-BLF

Defendant.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

SUBJECT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF MARK FOSS,

VOLUME I

February 4, 2016

9:32 a.m. - 6:36 p.m.

555 California Street, Suite 1300

Redwood Shores, California

REPORTED BY:

James Beasley

CSR No. 12807, CCR No. 835, RPR

February 04, 2016

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1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

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4 CISCO SYSTEMS, INC.,

5 Plaintiff,

6 vs.

Case No.

7 ARISTA NETWORKS, INC.,

5:14-cv-5344-BLF

8 Defendant.

9 _____
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12 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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17 Videotaped Deposition of Mark Foss,
18 Volume I, taken on behalf of the Plaintiff, at
19 Quinn, Emanuel, Urquhart, & Sullivan, 555 California
20 Street, Suite 1300, Redwood Shores, California,
21 beginning at 9:32 a.m. and ending at 6:36 p.m., on
22 Thursday, 4th day of February, 2016, before
23 James Beasley, Registered Professional Reporter,
24 California Certified Shorthand Reporter,
25 CSR No. 12807.

February 04, 2016

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1 MS. CANDIDO: Amy Candido for the
2 plaintiff Cisco Systems.

3 THE VIDEOGRAPHER: The certified court
4 reporter is James Beasley. Would you please swear
5 in the witness.

6 ---

7 Mark Foss,
8 being first duly sworn and/or affirmed by the
9 Certified Shorthand Reporter to tell the truth, the
10 whole truth and nothing but the truth, testified as
11 follows:

12 * * *

13 E X A M I N A T I O N

14 * * *

15 BY MS. CANDIDO:

16 Q. Good morning, Mr. Foss.

17 A. Good morning.

18 Q. Would you please state your full name for
19 the record.

20 A. Mark Joseph Foss.

21 Q. And who is your current employer?

22 A. Arista Networks.

23 Q. What is your current title?

24 A. Senior vice president of global operations
25 and marketing.

February 04, 2016

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1 referring to various IEEE standards; is that
2 correct?

3 A. That's correct.

4 Q. And you are referring to those here
5 because the 7100 series products are all compliant
6 with those IEEE standards; is that correct?

7 A. Correct.

8 Q. And those IEEE standards are published
9 documents adopted by the IEEE; is that correct?

10 A. As far as I understand it, yes.

11 Q. Is there a published industry standard
12 document for the familiar industry standard CLI?

13 A. Not that I'm aware of.

14 Q. While you were at Cisco, did you recall
15 anyone at Cisco ever telling the industry that they
16 were free to use the IOS CLI?

17 A. I don't recall a specific instance. No, I
18 don't.

19 Q. Do you recall, while you were at Cisco,
20 anyone at Cisco telling the industry that they were
21 free to use any of Cisco's CLIs?

22 A. I don't recall a specific example. No, I
23 don't.

24 Q. You mentioned earlier that your colleagues
25 had told you to use the term "industry standard" in